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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/11/2006

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EXAMINER

COHEN, JODI F

ART UNIT

PAPER NUMBER

1791

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,836	Applicant(s) LENHARDT, KARL	
	Examiner Jodi Cohen	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/24/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/24/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Reference character "12" has been used to designate both rails and second supporting device (page 17 of the specification).

Additionally, "sheet24" in the second paragraph of page 19 is considered to be a typographical error.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 1-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, step (b) recites "stands on the horizontal conveyor in upright position, leaning against the second supporting device." It is unclear how the glass sheet can be both upright and leaning.

Claim 2 recites the limitation "...which latter is are provided with conveyor elements" it is unclear what the word latter is referring to.

Claim 4, recites "wherein at least the conveyor elements of the third track of the horizontal conveyor are belts, especially toothed belts." It is unclear what is meant by this.

Claim 5 recites "wherein the second position is selected in such a way that the rear edge of the respective first and second glass sheets comes to lie in that position adjacent the forward end of the first track of the horizontal conveyor." It is unclear what the term "that position" is referring to.

Claims 8 and 32 contain a series of functional limitations regarding the intended use of the device, making it difficult to differentiate the structural elements which actually define the apparatus.

Claim 8 recites the limitation, "in which a first glass sheet and a second glass sheet carrying a spacer, intended for an insulating glass pane, are fed into the assembly and pressing device in upright position, standing on a horizontal conveyor, which is subdivided into several tracks, and leaning against a first supporting device, in which a third track of the horizontal conveyor is provided" It is unclear if assembly, pressing device, or glass sheets are in an upright position. It is unclear how any item could be both in an upright position and leaning. Furthermore, it is unclear in what the third track of the horizontal conveyor is provided.

Claim 8 recites "the latter" numerous times. It is unclear what this limitation is referring to.

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Regarding claim 15, it is unclear in what way the horizontal conveyor is shorter than the pressure plates (i.e. it is unclear if the length, the width etc. is being referred to).

Regarding claims, 14-17, 19, 21-22, 25-27, 33, 34;

claims 14-16, 22 and 33 refer to "the pressure plates",

claims 17, 19, 21 refer to "the plate",

claim 27 refers to "the movable plate",

claim 24 refers to "the second plate",

claim 26 refers to "the second pressure plate",

claim 34 refers to "the first and second pressure plates".

The terms are inconsistent and it is unclear what plate, if even the same plate, is being referred to. Additionally because of the discrepancies many of these limitations lack antecedent basis.

Allowable Subject Matter

5. Claims 1-40 are objected to as being rejected under 35 U.S.C. 112, second paragraph, but would be allowable if rewritten to overcome these rejections and further including all of the current limitations.

Currently, the closest prior art includes Rueckenheim (US 5,573,618), Lendhart (US 4,708,762), Lendhart (US 4,911,779), and Lendhart (US 5,051,145) which all teach apparatuses for joining two panes of glass, wherein the glass panes are conveyed

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along three separate conveying means individually or in unison against a single supporting device; oriented parallel to one another.

Lendhart (US 5762739) which teaches an apparatus for assembling the glass sheets wherein the glass sheets are positioned so that they are inclined away from one another to create a V shape (Fig 23); however does not teach conveying the glass sheets in this position, or at all.

6. The primary reasons for allowance of claim 1 are:

Currently none of the prior art discussed above is considered to teach or make obvious a method that includes the limitations of claim 1 including feeding a first glass sheet and second glass sheet carrying a spacer into an assembly in an upright position, and further conveying a first glass sheet along a first supporting device and transferring to a second supporting device and conveying a second glass sheet on the first supporting device as well as conveying the glass sheet in unison against their respective supports.

7. The primary reasons for allowance of claim 8 are:

Currently none of the prior art discussed above is considered to teach or make obvious a method that includes the limitations of claim 8 including a three conveyors, each in combination with two supporting devices capable of being inclined away from one another and brought parallel to one another in addition to means for transferring a

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glass sheet from a first supporting device to a second supporting device in the are of the horizontal conveyor.

Additionally, none of the prior art cited above teaches pressure plates on each supporting device, nor discusses conveyors that are operated independently from one another. These limitations in combination with those above overcome the closest prior art currently of record.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure Include:

Lendhart (US 4,708,762), Lendhart (US 4,911,779), Lendhart (US 5,051,145), Lendhart (US 5762739), Rueckenheim (US 5,573,618), Lengen (EP 0615044), and Lisec (EP 0376926)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jodi Cohen whose telephone number is 571-270-3966. The examiner can normally be reached on Monday-Friday 7:00am-5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason L Lazorcik/
Primary Examiner, Art Unit 1791

/Jodi F. Cohen/
Examiner, Art Unit 1791